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CYTYC CORPORATION and
PROXIMA THERAPEUTICS, INC.

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Attorneys for Plaintiff
XOFT MICROTUBE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 4/19/06

XOFT MICROTUBE, INC., a Delaware
corporation,

Plaintiff,

v.

CYTYC CORPORATION, a Delaware
corporation, and PROXIMA
THERAPEUTICS, INC., a Delaware
corporation,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. C 05-05312 RMW

**STIPULATION REGARDING
REQUEST FOR AN ORDER FOR
RELIEF FROM CASE
MANAGEMENT SCHEDULE
PURSUANT TO CIVIL L.R. 16-2(e)
AND ~~PROPOSED~~ ORDER**

STIPULATION

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2 1. Due to a pre-existing commitment to speak at a professional seminar on the part of
3 Plaintiff's lead trial counsel Mr. Geriak and assisting counsel Mr. Mulville, which conflicts with
4 the Case Management Conference scheduled for April 28, 2006, at 10:30 a.m., Plaintiff Xoft
5 microTube, Inc. has asked Defendants Cytoc Corporation and Proxima Therapeutics, Inc.
6 ("Defendants") to stipulate to continuing the Case Management Conference to another mutually
7 agreed date.

8 2. Defendants do not object to Plaintiff's request.

9 3. The next-available court date that does not present a conflict for lead trial counsel
10 for either party is May 26, 2006.

11 4. Accordingly, subject to the Court's approval, the parties through their undersigned
12 counsel hereby stipulate and agree to continue the Case Management Conference until Friday,
13 May 26, 2006, at 10:30 a.m., or at such time on that date as they may be heard by the Court.

14 5. Both parties have indicated their agreement to the stipulation by the signatures of
15 their counsel below. For good cause shown, the parties respectfully request that the Court
16 approve the Stipulation pursuant to Civil L.R. 16-2(e) and enter an order thereupon.

17 Dated: April 6, 2006

James W. Geriak
Kurt T. Mulville
Monte Cooper
Mark A. Stirrat
ORRICK, HERRINGTON & SUTCLIFFE

20
21 By: s/ Kurt T. Mulville
KURT T. MULVILLE

22 Attorneys for Plaintiff
23 Xoft Microtube, Inc.

24 Henry C. Bunsow
25 Henry C. Su
HOWREY LLP

26 By: s/ Henry C. Su by s/ Kurt T. Mulville
27 HENRY C. SU

28 Attorneys for Defendants
Cytoc Corporation and Proxima Therapeutics, Inc.

1 I, Kurt T. Mulville, am the ECF User whose identification and password are being used to
2 file this Stipulation and [Proposed] Order Continuing Further Case Management Conference.
3 Pursuant to General Order 45.X.B, I hereby attest that Henry C. Su of Howrey LLP, counsel for
4 Defendants, has concurred in this filing.
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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED: that the Case Management Conference Scheduled for April 28, 2006, at 10:30 a.m. is continued until Friday, May 26, 2006, at 10:30 a.m.

Dated: 4/19/06

/S/ RONALD M. WHYTE

The Honorable Ronald M. Whyte
United States District Court Judge

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on **April 6, 2006**, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following individual:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **April 6, 2006**, at Irvine, California.

s/Kurt T. Mulville

Kurt T. Mulville